

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN BERNARDINO
FONTANA DISTRICT

THE PEOPLE OF THE STATE OF CALIFORNIA,)	COURT CASE NO. FVA1001591
)	
Plaintiff)	FIRST AMENDED
)	
vs.)	FELONY COMPLAINT
)	
Alfredo Anguiano , Manuel Farias , Ricardo Hernandez , Luis Antonio Garcia)	
)	DA CASE NO. 2010-00-0053598
)	
Defendant)	

The undersigned is informed and believes that:

COUNT 1

On or about October 6, 2010, in the above named judicial district, the crime of ATTEMPTED WILLFUL, DELIBERATE, AND PREMEDITATED MURDER, in violation of PENAL CODE SECTION 664/187(a), a felony, was committed by Alfredo Anguiano, Manuel Farias, Ricardo Hernandez and Luis Antonio Garcia, who did unlawfully and with malice aforethought attempt to murder Christopher Galvan , a human being.

It is further alleged that the aforesaid attempted murder was committed willfully, deliberately and with premeditation within the meaning of Penal Code section 664(a) and is a serious felony pursuant to Penal Code section 1192.7(c).

It is further alleged that the offense(s) charged in Count(s) 1,2,7,8 cause the sentencing to be pursuant to Penal Code section 186.22(b)(4).

"NOTICE: Conviction of this offense will require you to register pursuant to Penal Code Section 186.30(a). Willful failure to register is a crime."

It is further alleged as to count(s) 1 that in the commission and attempted commission of the above offense, the said defendant(s) Ricardo Hernandez, personally used a deadly and dangerous weapon(s), to wit, Knife and Hammer, said use not being an element of the above offense, within the meaning of Penal Code Section 12022(b)(1) and causing the above offense to be a serious felony within the meaning of Penal Code section 1192.7(c)(23).

It is further alleged as to count(s) 1 that in the commission of the above offense the said defendant(s) Ricardo Hernandez, personally inflicted great bodily injury upon Christopher Galvan, not an accomplice to the above offense, within the meaning of Penal Code Section 12022.7(a) and also causing the above offense to become a serious felony within the meaning of Penal Code Section 1192.7(c)(8).

COUNT 2

On or about October 6, 2010, in the above named judicial district, the crime of ATTEMPTED WILLFUL, DELIBERATE, AND PREMEDITATED MURDER, in violation of PENAL CODE SECTION 664/187(a), a felony, was committed by Alfredo Anguiano, Manuel Farias, Ricardo Hernandez and Luis Antonio Garcia, who did unlawfully and with malice aforethought attempt to murder Rafael Munoz Gonzalez , a human being.

It is further alleged that the aforesaid attempted murder was committed willfully, deliberately and with premeditation within the meaning of Penal Code section 664(a) and is a serious felony pursuant to Penal Code section 1192.7(c).

It is further alleged as to count(s) 2 that in the commission and attempted commission of the above offense, the said defendant(s) Alfredo Anguiano, personally used a deadly and dangerous weapon(s), to wit, Knife, said use not being an element of the above offense, within the meaning of Penal Code Section 12022(b)(1) and causing the above offense to be a serious felony within the meaning of Penal Code section 1192.7(c)(23).

It is further alleged that the offense(s) charged in Count(s) 1,2,7,8 cause the sentencing to be pursuant to Penal Code section 186.22(b)(4).

"NOTICE: Conviction of this offense will require you to register pursuant to Penal Code Section 186.30(a). Willful failure to register is a crime."

COUNT 3

On or about October 5, 2010 through October 6, 2010, in the above named judicial district, the crime of KIDNAPPING, in violation of PENAL CODE SECTION 207(a), a felony, was committed by Alfredo Anguiano, Manuel Farias, Ricardo Hernandez and Luis Antonio Garcia, who did unlawfully, forcibly and by instilling fear, steal, take, hold, detain or arrest Christopher Galvan in San Bernardino County, California, and did take the said Christopher Galvan into another country, state, county and another part of San Bernardino County.

"NOTICE: The above offense is a serious felony within the meaning of Penal Code section 1192.7(c) and a violent felony within the meaning of Penal Code section 667.5(c)."

"NOTICE: Conviction of this offense will require you to provide specimens and samples pursuant to Penal Code section 296. Willful refusal to provide the specimens and samples is a crime."

It is further alleged pursuant to Penal Code section 186.22(b)(1)(C) as to count(s) 3, 4, 5, 6 that the above offense was committed for the benefit of, at the direction of, or in association with a criminal street gang with the specific intent to promote, further or assist in criminal conduct by gang members.

"NOTICE: Conviction of this offense will require you to register pursuant to Penal Code Section 186.30(a). Willful failure to register is a crime."

It is further alleged as to counts 3 and 4 that said defendant Luis Antonio Garcia personally used a firearm, a handgun, within the meaning of Penal Code Section 12022.53(b) also causing the above offense to become a serious felony pursuant to Penal Code section 1192.7(c)(8) and a violent felony within the meaning of Penal Code section 667.2(c)(8)

It is further alleged as to count(s) 3, 4 and as to defendants Alfredo Anguiano, Manuel Farias and Ricardo Hernandez, that a principal personally used a firearm, a handgun, within the meaning of Penal Code sections 12022.53(b) and (e)(1).

COUNT 4

On or about October 5, 2010 through October 6, 2010, in the above named judicial district, the crime of KIDNAPPING, in violation of PENAL CODE SECTION 207(a), a felony, was committed by Alfredo Anguiano, Manuel Farias, Ricardo Hernandez and Luis Antonio Garcia, who did unlawfully, forcibly and by instilling fear, steal, take, hold, detain or arrest Rafael Munoz Gonzalez in San Bernardino County, California, and did take the said Rafael Munoz Gonzalez into another country, state, county and another part of San Bernardino County.

"NOTICE: The above offense is a serious felony within the meaning of Penal Code section 1192.7(c) and a violent felony within the meaning of Penal Code section 667.5(c)."

"NOTICE: Conviction of this offense will require you to provide specimens and samples pursuant to Penal Code section 296. Willful refusal to provide the specimens and samples is a crime."

It is further alleged pursuant to Penal Code section 186.22(b)(1)(C) as to count(s) 3, 4 that the above offense was committed for the benefit of, at the direction of, or in association with a criminal street gang with the specific intent to promote, further or assist in criminal conduct by gang members.

"NOTICE: Conviction of this offense will require you to register pursuant to Penal Code Section 186.30(a). Willful failure to register is a crime."

It is further alleged as to counts 3 and 4 that said defendant Luis Antonio Garcia personally used a firearm, a handgun, within the meaning of Penal Code Section 12022.53(b) also causing the above offense to become a serious felony pursuant to Penal Code section 1192.7(c)(8) and a violent felony within the meaning of Penal Code section 667.2(c)(8)

It is further alleged as to count(s) 3, 4 and as to defendants Alfredo Anguiano, Manuel Farias and Ricardo Hernandez, that a principal personally used a firearm, a handgun, within the meaning of Penal Code sections 12022.53(b) and (e)(1).

COUNT 5

On or about October 6, 2010, in the above named judicial district, the crime of SECOND DEGREE ROBBERY, in violation of PENAL CODE SECTION 211, a felony, was committed by Alfredo Anguiano, Manuel Farias, Ricardo Hernandez and Luis Antonio Garcia, who did unlawfully, and by means of force and fear take personal property from the person, possession, and immediate presence of Christopher Galvan .

"NOTICE: The above offense is a serious felony within the meaning of Penal Code section 1192.7(c) and a violent felony within the meaning of Penal Code section 667.5(c)."

It is further alleged pursuant to Penal Code section 186.22(b)(1)(C) as to count(s) 5, 6 that the above offense was committed for the benefit of, at the direction of, or in association with a criminal street gang with the specific intent to promote, further or assist in criminal conduct by gang members.

"NOTICE: Conviction of this offense will require you to register pursuant to Penal Code Section 186.30(a). Willful failure to register is a crime."

It is further alleged as to count(s) 5, 6, 7, 8 that said defendant(s) Luis Antonio Garcia personally used a firearm, a handgun, within the meaning of Penal Code Section 12022.53(b) also causing the above offense to become a serious felony pursuant to Penal Code section 1192.7(c)(8) and a violent felony within the meaning of Penal Code section 667.5(c)(8).

It is further alleged as to count(s) 5, 6, 7, 8 and as to defendants Alfredo Anguiano, Manuel Farias and Ricardo Hernandez that a principal personally used a firearm, a handgun, within the meaning of Penal Code sections 12022.53(b) and (e)(1).

COUNT 6

On or about October 6, 2010, in the above named judicial district, the crime of SECOND DEGREE ROBBERY, in violation of PENAL CODE SECTION 211, a felony, was committed by Alfredo Anguiano, Manuel Farias, Ricardo Hernandez and Luis Antonio Garcia, who did unlawfully, and by means of force and fear take personal property from the person, possession, and immediate presence of Rafael Munoz Gonzalez .

"NOTICE: The above offense is a serious felony within the meaning of Penal Code section 1192.7(c) and a violent felony within the meaning of Penal Code section 667.5(c)."

It is further alleged pursuant to Penal Code section 186.22(b)(1)(C) as to count(s) 5, 6 that the above offense was committed for the benefit of, at the direction of, or in association with a criminal street gang with the specific intent to promote, further or assist in criminal conduct by gang members.

"NOTICE: Conviction of this offense will require you to register pursuant to Penal Code Section 186.30(a). Willful failure to register is a crime."

It is further alleged as to count(s) 5, 6, 7,8 that said defendant(s) Luis Antonio Garcia personally used a firearm, a handgun, within the meaning of Penal Code Section 12022.53(b) also causing the above offense to become a serious felony pursuant to Penal Code section 1192.7(c)(8) and a violent felony within the meaning of Penal Code section 667.5(c)(8).

It is further alleged as to count(s) 5, 6, 7, 8 and as to defendants Alfredo Anguiano, Manuel Farias and Ricardo Hernandez that a principal personally used a firearm, a handgun, within the meaning of Penal Code sections 12022.53(b) and (e)(1).

COUNT 7

On or about October 6, 2010, in the above named judicial district, the crime of CARJACKING, in violation of PENAL CODE SECTION 215(a), a felony, was committed by Alfredo Anguiano, Manuel Farias, Ricardo Hernandez and Luis Antonio Garcia, who did unlawfully take a motor vehicle in the possession of Christopher Galvan from his or her person and immediate presence and from the person and immediate presence of a passenger of said motor vehicle, against the will and with the intent to permanently and temporarily deprive the person in possession of the motor vehicle of the possession and accomplished by means of force and fear.

"NOTICE: The above offense is a serious felony within the meaning of Penal Code section 1192.7(c) and a violent felony within the meaning of Penal Code section 667.5(c)."

"NOTICE: Conviction of this offense will require you to provide specimens and samples pursuant to Penal Code section 296. Willful refusal to provide the specimens and samples is a crime."

It is further alleged that the offense(s) charged in Count(s) 1,2, 7, 8 cause the sentencing to be pursuant to Penal Code section 186.22(b)(4).

"NOTICE: Conviction of this offense will require you to register pursuant to Penal Code Section 186.30(a). Willful failure to register is a crime."

It is further alleged as to count(s) 5, 6, 7,8 that said defendant(s) Luis Antonio Garcia personally used a firearm, a handgun, within the meaning of Penal Code Section 12022.53(b) also causing the above offense to become a serious felony pursuant to Penal Code section 1192.7(c)(8) and a violent felony within the meaning of Penal Code section 667.5(c)(8).

It is further alleged as to count(s) 5, 6, 7, 8 and as to defendants Alfredo Anguiano, Manuel Farias and Ricardo Hernandez that a principal personally used a firearm, a handgun, within the meaning of Penal Code sections 12022.53(b) and (e)(1).

COUNT 8

On or about October 6, 2010, in the above named judicial district, the crime of CARJACKING, in violation of PENAL CODE SECTION 215(a), a felony, was committed by Alfredo Anguiano, Manuel Farias, Ricardo Hernandez and Luis Antonio Garcia, who did unlawfully take a motor vehicle in the possession of Rafael Munoz Gonzalez from his or her person and immediate presence and from the person and immediate presence of a passenger of said motor vehicle, against the will and with the intent to permanently and temporarily deprive the person in possession of the motor vehicle of the possession and accomplished by means of force and fear.

"NOTICE: The above offense is a serious felony within the meaning of Penal Code section 1192.7(c) and a violent felony within the meaning of Penal Code section 667.5(c)."

"NOTICE: Conviction of this offense will require you to provide specimens and samples pursuant to Penal Code section 296. Willful refusal to provide the specimens and samples is a crime."

It is further alleged that the offense(s) charged in Count(s) 1,2, 7, 8 cause the sentencing to be pursuant to Penal Code section 186.22(b)(4).

"NOTICE: Conviction of this offense will require you to register pursuant to Penal Code

It is further alleged as to count(s) 5, 6, 7, 8 and as to defendants Alfredo Anguiano, Manuel Farias and Ricardo Hernandez that a principal personally used a firearm, a handgun, within the meaning of Penal Code sections 12022.53(b) and (e)(1).

It is further alleged as to count(s) 8 that said defendant(s) Luis Antonio Garcia personally used a firearm, a handgun, within the meaning of Penal Code Section 12022.53(b) also causing the above offense to become a serious felony pursuant to Penal Code section 1192.7(c)(8) and a violent felony within the meaning of Penal Code section 667.5(c)(8).

COUNT 9

On or about October 6, 2010, in the above named judicial district, the crime of ASSAULT WITH DEADLY WEAPON, in violation of PENAL CODE SECTION 245(a)(1), a felony, was committed by Alfredo Anguiano, Manuel Farias, Ricardo Hernandez and Luis Antonio Garcia, who did willfully and unlawfully commit an assault upon Christopher Galvan with a deadly weapon, to wit, Knife.

"NOTICE: The above offense is a serious felony within the meaning of Penal Code section 1192.7(c)."

"NOTICE: Conviction of this offense will require you to provide specimens and samples pursuant to Penal Code section 296. Willful refusal to provide the specimens and samples is a crime."

It is further alleged pursuant to Penal Code section 186.22(b)(1)(B) as to count(s) 9, 10 that the above offense was committed for the benefit of, at the direction of, or in association with a criminal street gang with the specific intent to promote, further or assist in criminal conduct by gang members.

"NOTICE: Conviction of this offense will require you to register pursuant to Penal Code Section 186.30(a). Willful failure to register is a crime."

COUNT 10

On or about October 6, 2010, in the above named judicial district, the crime of ASSAULT WITH DEADLY WEAPON, in violation of PENAL CODE SECTION 245(a)(1), a felony, was committed by Alfredo Anguiano, Manuel Farias, Ricardo Hernandez and Luis Antonio Garcia, who did willfully and unlawfully commit an assault upon Rafael Munoz Gonzalez with a deadly weapon, to wit, Knife.

"NOTICE: The above offense is a serious felony within the meaning of Penal Code section 1192.7(c)."

"NOTICE: Conviction of this offense will require you to provide specimens and samples pursuant to Penal Code section 296. Willful refusal to provide the specimens and samples is a crime."

It is further alleged pursuant to Penal Code section 186.22(b)(1)(B) as to count(s) 9, 10 that the above offense was committed for the benefit of, at the direction of, or in association with a criminal street gang with the specific intent to promote, further or assist in criminal conduct by gang members.

"NOTICE: Conviction of this offense will require you to register pursuant to Penal Code Section 186.30(a). Willful failure to register is a crime."

It is further alleged pursuant to Penal Code sections 1170.12(a) through (d) and 667(b) through (i) as to count(s) 1, 2, 3, 4 that said defendant(s) Luis Antonio Garcia, has suffered the following prior conviction of a serious or violent felony or juvenile adjudication:

Court Case	Code/Statute	Conv Date	County	State	Court Type
FVA027147	148(b) PC/186.22(b)	PC08/29/2006	San Bernardino	CA	Superior

It is further alleged as to count(s) 1, 2, 3, 4 pursuant to Penal Code section 667.5(b) that the defendant(s) Luis Antonio Garcia, has suffered the following prior conviction(s):

Court Case	Code/Statute	Conv Date	County	State	Court Type
FVA027147	148(b) PC/186.22(b)	PC08/29/2006	San Bernardino	CA	Superior
FVA020265	11377(a) H&S	12/04/2003	San Bernardino	CA	Superior
FVA023781	2800.2(a) VC	02/24/2005	San Bernardino	CA	Superior
FSB900413	245(a)(1) PC	03/09/2010	San Bernardino	CA	Superior

and that a term was served as described in Penal Code section 667.5 for said offense(s), and that the defendant(s) did not remain free of prison custody for, and did commit an offense resulting in a felony conviction during, a period of five years subsequent to the conclusion of said term.

* * * * *

NOTICE TO DEFENDANT AND DEFENDANT'S ATTORNEY

Pursuant to Penal Code Sections 1054.5(b), the People are hereby informally requesting that defense counsel provide discovery to the People as required by Penal Code Section 1054.3.

NOTICE TO ATTORNEY

The materials accompanying this notice may include information about witnesses. If so, these materials are disclosed to you pursuant to Penal Code section 1054.2 which provides: "No attorney may disclose or permit to be disclosed to a defendant the address or telephone number of a victim or witness whose name is disclosed to the attorney pursuant to subdivision (a) of Section 1054.1 unless specifically permitted to do so by the court after a hearing and a showing of good cause."

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT AND THAT THIS COMPLAINT CONSISTS OF 10 COUNT(S).

Executed at Fontana, California, on August 10, 2011.

Kevin Smith
DECLARANT AND COMPLAINANT

Agency: Rialto Police Department

Prelim Est. 00:00

Defendant	Birth Date	Booking No.	CII No.	NCIC
Alfredo Anguiano	08/30/1992	1010340616	A28305500	

Manuel Farias	10/11/1991	1010340615	A27825941
Ricardo Hernandez	03/21/1992	1010340643	A27913664
Luis Antonio Garcia	01/18/1982	1010340666	A11733740

Gang